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LETTER DATED 1 DECEMBER 1994 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit the attached report, which was addressed to me on 1 December 1994 by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, concerning the operations of the International Conference's Mission to the Federal Republic of Yugoslavia (Serbia and Montenegro) (see annex). This report by the Co-Chairmen contains the certification referred to in paragraph 3 of Security Council resolution 943 (1994) (see para. 80).

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

Annex

Operations of the International Conference on the Former Yugoslavia Mission to the Federal Republic of Yugoslavia (Serbia and Montenegro)

Report of the Co-Chairmen of the Steering Committee

I. INTRODUCTION

1. The present report is submitted pursuant to paragraph 3 of Security Council resolution 943 (1994) of 23 September 1994. In that resolution the Council requested that the Secretary-General submit every 30 days for its review a report from the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia on the border closure measures taken by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro).

2. It will be recalled that on 4 August 1994 the following measures were ordered by the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to come into effect the same day:

> "(a) To break off political and economic relations with the Republica Srpska;
>
> "(b) To prohibit the stay of the members of the leadership of the Republica Srpska (Parliament, Presidency and Government) in the territory of the Federal Republic of Yugoslavia;
>
> "(c) As of today the border of the Federal Republic of Yugoslavia is closed for all transport towards the Republica Srpska, except food, clothing and medicine."

3. On 19 September, on 3 October and on 2 November 1994, the Secretary-General transmitted to the Security Council reports from the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia on the state of implementation of the above-mentioned measures (S/1994/1074, S/1994/1124 and S/1994/1246, respectively). The report dated 2 November 1994 contained the following certification from the Co-Chairmen:

> "In the light of the ... developments during the past 30 days, based on the Mission's on-site observation, on the advice of the Mission Coordinator, Mr. Bo Pellnäs, and in the absence of any contrary information from the air, whether the airborne reconnaissance system of the North Atlantic Treaty Organization (NATO) or national technical means, the Co-Chairmen conclude that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) is continuing to meet its commitment to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the areas of the Republic of Bosnia and Herzegovina under the control of the Bosnian Serb forces."

Developments in the past 30 days are dealt with below.

II. LEGISLATION/REGULATIONS ON THE BORDER CLOSURE

4. The legislation of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) closing the border with the Bosnian Serbs continues in force.

III. ORGANIZATION, FINANCING AND WORK OF THE MISSION

5. As at 30 November, 158 international personnel were on duty with the Mission. The Mission personnel to date have come from Belgium, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Ireland, the Netherlands, Norway, Portugal, the Russian Federation, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

6. The Mission is still operating under tight financial constraints. The following voluntary contributions have been received to date:

	$	
Canada	100 000	
Denmark	100 000	
Norway	100 000	
Sweden	100 000	
Switzerland		15 airlifts Geneva-Belgrade
United States of America	400 000	

The United States has also pledged $500,000 in the form of communications equipment. The equipment has started to arrive and the installation of repeaters has begun in the Belgrade region. It is foreseen that installation will be completed in the first half of December.

7. On 1 November, a note was sent to members of the Expanded Steering Committee of the Conference asking that countries wishing to make further voluntary contributions inform the secretariat of the Conference by 17 November 1994. A budget in the amount of $3,131,625 for the six-month period from 1 December 1994 to 31 May 1995 was subsequently finalized and assessments issued to members of the Expanded Steering Committee on 23 November.

8. With the onset of winter, an urgent need of the Mission is for four-wheel-drive vehicles. The Mission needs at least 30 such vehicles immediately. It is awaiting the arrival of five vehicles promised by the European Commission. A request has been made to the United Nations Protection Force (UNPROFOR) for the loan of 25 vehicles. Some participating Governments have also been approached to assist in the provision of four-wheel-drive vehicles. The Governments of Germany and the United Kingdom have indicated their willingness to provide some vehicles.

IV. FREEDOM OF MOVEMENT OF THE MISSION

9. The Mission continues to enjoy freedom of movement within the Federal Republic of Yugoslavia (Serbia and Montenegro).

10. Despite the escalation of fighting in Bosnia and Herzegovina, the security situation for the Mission members remains stable and without major problems.

11. On 31 October, three rockets (probably RPG rockets) were fired from the territory held by Bosnian Serbs against a Yugoslav Army position close to the border crossing west of Loznica (Trbusnica). No casualties were reported and no Mission members were in the vicinity. It is believed that firing of the rockets was an attempt to take revenge from a smuggler, as the military earlier that day had confiscated 1.4 tons of fuel in that area. On the same day a man in a car passing the Kotroman border crossing abused the Mission's team and told the soldiers at that place "to kill them in the mountains". On two other occasions members of the Mission were threatened.

V. COOPERATION OF THE AUTHORITIES OF THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO) WITH THE MISSION

12. In the assessment of the Mission Coordinator, the cooperation of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) continues to be satisfactory. A current concern is the delay in action by the Yugoslav Army in dealing with some problems along the River Drina, which are dealt with in chapter VII below. The Mission Coordinator, however, after a meeting with General Kovacevic on 28 November, expects that the issues may be resolved in the coming week.

VI. INFORMATION RECEIVED FROM NATIONAL AND OTHER SOURCES

13. The operating principle of the Mission is to base itself on its own observations and on information that it has verified. The Mission Coordinator has maintained a standing request to Governments possessing the technical capacity to provide it with information relevant to its mandate. The Coordinator has received some such information and measures have been taken to verify and follow up the information received.

VII. PROBLEMS ENCOUNTERED AND REPRESENTATIONS MADE TO THE AUTHORITIES

14. As was mentioned in the preceding report (S/1994/1246), helicopter flights and trucks passing the border in Montenegro constituted the major concerns. During the period covered by the present report, the Mission has not observed any flights. As is related below, the measures taken in Montenegro to stop traffic crossing the border also appear to be working.

15. During Mission patrols along the Drina, it was discovered that at some places it was possible to drive trucks down to the riverside without their being

observed or checked. At a meeting on 4 November with General Kovacevic, the Deputy Chief of the General Staff of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Mission Coordinator expressed concern about this and asked him to increase army surveillance along the border and especially along some parts of the Drina. He also asked him to improve the cooperation extended to Mission personnel by the admiral commanding the military area around and north of Kotor Bay.

16. In the opinion of the Mission Coordinator, sufficient measures to meet his requests have not yet been taken by the Yugoslav Army. The Mission therefore has approached the military authorities once again, this time with a written request. At a meeting with General Kovacevic on 29 November, he promised to arrange a meeting between the army, the Ministry of the Interior and with Mr. Kertes, Director of Customs of the Federal Republic of Yugoslavia (Serbia and Montenegro), to review the problems along the Drina and to decide the exact apportionment of responsibility among them. The Mission Coordinator and General Kovacevic agreed to meet again within a week, at which time General Kovacevic promised to provide an answer to the written request of the Mission Coordinator.

17. During the night of 29 November, the Mission transferred and deployed 19 additional teams from Sector B and Sector Belgrade onto all roads leading to the Drina between Sremska Raca and Loznica, reinforcing Sector A. Twenty-two observation points were manned and four mobile teams operated in the area. The Mission members observed the traffic throughout the night. They reported that no trucks or tankers passed through the area east of Sremska Raca-Loznica approaching the Drina. Only a few observations during the night indicated some possible small-scale "private" attempts of smuggling. The Mission will carry out this sort of reinforcement to all sectors, depending on where the need appears greatest.

18. As was indicated in the previous report, the situation in Montenegro has been a major concern for the Mission. The border crossing north-west of Krstac was abandoned by police and customs on 1 November, and there was no replacement by the army, leaving the crossing wide open for five days in spite of the demands from the Mission's sector leader. The matter was brought to the attention of the authorities in Belgrade. As there was still no action from the local police, a letter was sent to the Director of Customs of the Federal Republic of Yugoslavia (Serbia and Montenegro), demanding action and a written response.

19. During the period under review the Mission also found that the blocking of bypasses promised earlier by the Deputy Minister of the Interior of Montenegro, Mr. Bojevic, had either not been carried out at all or not in a satisfactory manner. The Mission Coordinator therefore asked for a meeting with President Bulatović of Montenegro and saw him on Tuesday, 8 November. That meeting was followed by a meeting with President Milošević the following day at which a detailed discussion took place with Mr. Kertes, the Director of Customs of the Federal Republic of Yugoslavia (Serbia and Montenegro). As a direct result of those meetings, the Mission Coordinator immediately sent a personal representative to Podgorica and President Bulatović designated a trusted point of contact.

20. As a result of the joint efforts by the Mission personnel and the Montenegrin authorities, two checkpoints were moved closer to the border, eliminating the possibility of using bypasses. A substantial earth barricade was constructed on one of the bypasses, and the Krstac border checkpoint was manned 24 hours a day.

21. On 8 November, three tankers had managed to use one of the bypasses in the Vilusi area and enter into Bosnia and Herzegovina. It had also become evident that large amounts of fuel were stored at the gas station in Vilusi, obviously being a logistic base for smuggling fuel across the border. As a result of the meetings referred to above, the most notorious smuggler in Montenegro has been arrested and the Chief of Police in Nikšić has been replaced. The Vilusi gas station was closed.

22. Owing to the increased number of Mission personnel in Montenegro and measures taken by the Montenegrin authorities, all crossing points in Montenegro are now being permanently manned by Mission members and by either police/customs or military personnel.

23. On 19 November, two tankers managed to force their way through the Krstac border checkpoint. The customs officer in charge has been arrested, accused of taking bribes. The Mission's sector leader has demanded obstacles to be established that could prevent trucks from driving straight through checkpoints.

24. The Mission Coordinator now considers the present situation in Montenegro satisfactory. The demands of the Mission have been met. There is no doubt, however, that well-organized smuggling and the large economic interests involved call for vigilant and constant surveillance.

25. Following presentations by Mission personnel, the performance of customs officers at Badovinci significantly improved and during a four-day period, from 2 to 6 November, around four tons of fuel were confiscated. As a result of this, traffic was reduced at the border crossing.

26. Efforts to improve procedures at other crossings are ongoing. The overall picture, however, is good. The cooperation at the packing centres is described by Mission personnel, including customs specialists, as excellent.

27. The Mission is now normally covering all major crossings 24 hours a day. The need for night patrols and to cover small crossings occasionally forces sector leaders to leave some crossings unobserved for a few hours. This underscores the importance of the Mission's achieving its full staffing component of 200 persons, so that it can provide 24-hour coverage to as many crossing points as possible.

28. During the reporting period, the Mission has experienced an increase in the number of military passenger cars with military plates and uniformed passengers crossing the border in Sector A and Sector B. On 9 November, for example, there were 13 such crossings. The Mission Coordinator raised this issue with the Director of Customs in the Federal Republic of Yugoslavia (Serbia and Montenegro) and after that there have been no reports of any military vehicles or uniformed personnel crossing the border.

VIII. REPRESENTATIONS ON BEHALF OF HUMANITARIAN ORGANIZATIONS

29. As was mentioned in the previous report (S/1994/1246), the Mission Coordinator has sought to assist the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC) in their efforts to get the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to implement the border closure in such a manner as would not adversely affect their ongoing programmes in eastern Bosnia. With the assistance of UNHCR and ICRC, the Mission Coordinator negotiated and initialled, with the Director of Customs of the Federal Republic of Yugoslavia (Serbia and Montenegro), on 4 November, a "Memorandum on Definitions of Humanitarian Aid ...". The Memorandum is attached (see appendix).

IX. CERTIFICATION

30. In the light of the foregoing developments during the past 30 days, based on the Mission's on-site observation, on the advice of the Mission Coordinator, Mr. Bo Pellnäs, and in the absence of any contrary information from the air, whether the airborne reconnaissance system of NATO or national technical means, the Co-Chairmen conclude that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) is continuing to meet its commitment to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the areas of the Republic of Bosnia and Herzegovina under the control of the Bosnian Serb forces.

Appendix

Memorandum on Definitions of Humanitarian Aid and Articles that may be Included, established between the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the International Conference on the Former Yugoslavia after consultations with the International Committee of the Red Cross and the Office of the United Nations High Commissioner for Refugees

1. Food

Also includes seed, cattle fodder and pesticides.

2. Clothing

Also includes footwear, blankets and mattresses. Sleeping-bags and tents may be sent, but only by the Office of the United Nations High Commissioner for Refugees (UNHCR) as part of specific programmes for refugees.

3. Medicine

Also includes medical materials such as medical/surgical equipment and instruments, orthopaedic appliances, disinfectants, dressing material, blood and blood plasma, equipment for transfusion, medical alcohol, bottles with medical gas, veterinary drugs and vaccines, sera and blood products.

4. Other items

Other items that may be sent as humanitarian aid within the framework of the programmes of international organizations and their implementing partners are:

Articles for hygiene;

Construction material;

Textbooks and other school materials necessary for education;

Articles for the International Committee of the Red Cross (ICRC) sanitation programme, such as materials for water works (pipes, plastic and metal fittings, flanges, joints, etc.), water-distribution materials (plastic water containers, pumps, etc.);

Articles for religious services (candles, icon lamps, icons, etc. and coffins);

Articles for beneficiaries, such as stoves, matches, candles, plastic sheeting and tarpaulins.

Through the sole distribution by UNHCR, fuel and generators for schools, hospitals and collective centres may be sent, as well as fuel for secondary distribution to beneficiaries.

Household articles may be brought by people permanently changing dwelling between the Federal Republic of Yugoslavia and from, to or through the territory held by the Bosnian Serbs. In these cases proper documentation from the relevant authorities should be available.

UNHCR and ICRC may on all occasions bring all items they request for their own operational needs (for their own transportation, office work, projects, etc, also including items such as radio equipment and fuel).

(Signed) Mr. M. KERTES
Mr. Bo PELLNÄS